

SHEPHERD FINKELMAN MILLER
& SHAH, LLP

Ronald S. Kravitz (SBN 129704)
Kolin C. Tang (SBN 279834)
One California Street, Suite 900
San Francisco, CA 94111
Tel.: (415) 429-5272
Fax: (866) 300-7367
E-Mail: rkravitz@sfmslaw.com
ktang@sfmslaw.com

OLIVIER SCHREIBER & CHAO, LLP

Monique Olivier (SBN 190385)
Katharine Chao (SBN 247571)
201 Filbert Street, Suite 201
San Francisco, CA 94133
Telephone: (415) 484-0980
E-Mail: monique@osclegal.com
Kathy@osclegal.com

Attorneys for Plaintiff and the Plan

TRUCKER ♦ HUSS

R. Bradford Huss (SBN 71303)
Angel L. Garrett (SBN 255682)
Dylan D. Rudolph (SBN 278707)
One Embarcadero Center, 12th Floor
San Francisco, CA 94111
Tel: (415) 788-3111
Fax: (415) 421-2017
Email: bhuss@truckerhuss.com
agarrett@truckerhuss.com
drudolph@truckerhuss.com

Joseph C. Faucher, (SBN 137353)
633 W. 5th Street, 28th Floor
Los Angeles, California 90071
Telephone: (213) 537-1016
Facsimile: (213) 537-1020
E-mail: jfaucher@truckerhuss.com

Attorneys for Defendants

SAFEWAY INC. and SAFEWAY BENEFIT
PLANS COMMITTEE

O'MELVENY & MYERS LLP

Brian D. Boyle (CSB 126576)
Randall W. Edwards (CSB 179053)
Adam Kaplan (CSB 298077)
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111
Tel: (415) 984-8700
Fax: (415) 984-9701
Email: bboyle@omm.com
redwards@omm.com

**Attorneys for Defendant Aon Hewitt
Investment Consulting, Inc.**

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

MARIA KARLA TERRAZA, individually and
on behalf of the SAFEWAY 401(k) Plan,

Plaintiff,

vs.

SAFEWAY INC., BENEFIT PLANS
COMMITTEE SAFEWAY INC.,
and DOES 1 to 100 inclusive,

Defendants.

Case No. 3:16-cv-03994-JST

**JOINT STIPULATION TO CONTINUE
DEADLINE TO FILE DISPOSITIVE
MOTIONS; ~~PROPOSED~~ ORDER**

Assigned to Hon. Jon S. Tigar

1 Plaintiff, Maria Karla Terraza, and Defendants Safeway Inc. (“Safeway”), the Benefit Plans
2 Committee Safeway Inc. n/k/a Albertsons Companies Retirement Benefit Plans Committee
3 (“Benefit Plans Committee”), Peter J. Bocian, David F. Bond, Michael J. Boylan, Robert B.
4 Dimond, Laura A. Donald, Dennis J. Dunne, Robert L. Edwards, Bradley S. Fox, Bernard L. Hardy,
5 Russell M. Jackson, Peggy Jones, Suz-Ann Kirby, Robert Larson, Melissa C. Plaisance,
6 Paul Rowan and Andrew J. Scoggin (the “Safeway Defendants”), as well as Defendant Aon Hewitt
7 Investment Consulting, Inc. (“Aon” and, collectively with the Safeway Defendants, “Defendants”),
8 through their counsel, hereby stipulate and agree that:

9 WHEREAS, Plaintiff filed a complaint against Safeway Inc. and the Benefits Plans
10 Committee Safeway Inc. on July 14, 2016;

11 WHEREAS, Plaintiff filed an Amended Complaint on November 18, 2016 (Docket No. 37);

12 WHEREAS, Plaintiff filed a Second Amended Complaint on March 31, 2017 (Docket
13 No. 72);

14 WHEREAS, Aon filed a motion to dismiss the Second Amended Complaint on June 22,
15 2017 (Docket No. 83);

16 WHEREAS, the Court entered an order granting in part and denying in part Aon’s motion
17 on December 11, 2017 (Docket No. 109);

18 WHEREAS, the Parties Stipulated to Continue Case Deadlines, and this Court has entered
19 orders continuing case deadlines on November 30, 2017 (Dkt. 108), February 20, 2018 (Dkt. 119),
20 and April 27, 2018 (Dkt. 130);

21 WHEREAS, the Parties have exchanged initial disclosures, engaged in written discovery and
22 exchange of documents, and taken 21 fact witness depositions;

23 WHEREAS, the Parties are in the expert discovery phase of this litigation and in the process
24 of preparing and taking depositions of seven expert witnesses on or before the current deadline to
25 complete expert witness on June 20, 2018;

26 WHEREAS, although the Parties have been working diligently and cooperatively in the
27 discovery process and in preparing this case for trial, the Parties believe that their most recent
28 stipulation (Dkt. 130), which the Court entered prior to the deadline for expert disclosures, does not

1 provide adequate time to complete expert discovery and file a dispositive motion. The current
2 schedule only provides seven days between the deadline to complete expert discovery and the
3 deadline to file a dispositive motion. The Parties therefore respectfully request that the Court
4 continue the deadline for filing dispositive motions from June 28, 2018 to July 6, 2018 with the
5 opposition due on July 20, 2018, reply due on July 26, 2018, and the hearing on August 9, 2018;¹

6 WHEREAS, the Parties have previously made three requests to extend the deadlines for
7 completing discovery and filing dispositive motions, and the pretrial and trial dates (Dkts. 108, 119,
8 and 130);

9 WHEREAS, the Parties do not propose any change in the trial schedule or the remainder of
10 the pretrial schedule;

11 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject
12 to the approval of the Court, to continue the deadline to file dispositive motions from June 28, 2018
13 to July 6, 2018 with the opposition due on July 20, 2018, reply due on July 26, 2018, and the
14 hearing on August 9, 2018.

15 IT IS SO STIPULATED.

16 DATED: June 19, 2018

TRUCKER ♦ HUSS

17 By: /s/R. Bradford Huss
18 R. Bradford Huss
19 Attorneys for Defendants
20 SAFEWAY INC. and SAFEWAY BENEFIT
21 PLANS COMMITTEE

22 Dated: June 19, 2018

O'MELVENY & MYERS LLP

23 By: /s/Randall W. Edwards
24 Randall W. Edwards
25 Attorneys for Defendant
26 AON HEWITT INVESTMENT CONSULTING,
27 INC.

28 ¹ Counsel for the Parties have also met and conferred with counsel for Plaintiff in the *Lorenz* matter, and anticipate submitting a stipulation in that case proposing an identical modification of the schedule in that case.

1 Dated: June 19, 2018

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

2 By: /s/James E. Miller
3 James E. Miller
4 Attorneys for Plaintiff
5 MARIA KARLA TERRAZA, individually and on
6 behalf of the SAFEWAY 401(K) PLAN

7 I attest that my firm has obtained concurrence in the filing of this document from James E.
8 Miller and Randall W. Edwards.

9 DATED: June 19, 2018

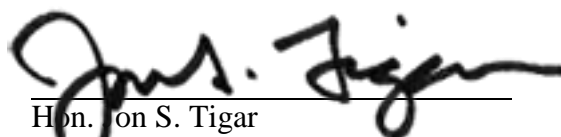
10 TRUCKER ♦ HUSS

11 By: /s/R. Bradford Huss
12 R. Bradford Huss
13 Attorneys for Defendants
14 SAFEWAY INC. and BENEFIT PLANS
15 COMMITTEE SAFEWAY INC.

16 **~~[PROPOSED]~~ ORDER**

17 Good cause exists for an order continuing the deadline to file dispositive motions from June
18 28, 2018 to July 6, 2018 with the opposition due on July 20, 2018, reply due on July 26, 2018, and
19 the hearing on August 16, 2018, if the Court determines that oral argument is appropriate.

20 DATED: June 22, 2018

21 
22 Hon. Jon S. Tigar
23 Judge of the United States District Court
24
25
26
27
28